

Municipal and Private Corporations:
House bills Nos. 490, 453.

The following standing committees
filed adverse reports today on bills, as
follows:

Appropriations: House bill No. 476.
Roads, Bridges and Ferries: House
bills Nos. 472, 419.

Public Lands and Buildings: House
bills Nos. 496, 450.

TWENTY-NINTH DAY.

(Monday, February 21, 1921.)

The House met at 10 o'clock a. m.,
pursuant to adjournment, and was
called to order by Speaker Thomas.

The roll was called and the following
members were present:

Adams.	Grissom.
Aiken.	Hall.
Baker.	Hanna.
Baldwin.	Hardin.
Barker.	Harrison.
Bass.	Henderson
Beasley	of McLennan.
of Hopkins.	Henderson
Beasley	of Marion.
of McCulloch.	Hendricks.
Beavens.	Hill.
Binkley.	Horton.
Black, W. A.,	Johnson
of Bexar.	of Gillespie.
Bonham.	Johnson of Ellis.
Brady.	Johnson
Branch.	of Wichita.
Bryant.	Jones.
Burkett.	Kacir.
Burmeister.	Kellis.
Burns.	King.
Carpenter.	Lackey.
Chitwood.	Laird.
Coffee.	Lauderdale.
Cox.	Lawrence.
Crawford.	Lindsey.
Crumpton.	Looney.
Cummins.	McCord.
Curtis.	McDaniel.
Davis, John E.,	McKean.
of Dallas.	McLeod.
Davis, John,	Malone.
of Dallas.	Martin.
Dinkle.	Marshall.
Duffey.	Mathes.
Duncan.	Melson.
Edwards.	Merriman.
Estes.	Miller of Parker.
Faubion.	Morgan.
Fly.	Moore.
Fugler.	Morris of Medina.
Garrett.	Morris
Greer.	of Montague.

Mott.	Stewart
Neblett.	of Edwards.
Owen.	Stewart of Reeves.
Patman.	Swann.
Perkins	Sweet of Brown.
of Cherokee.	Teer.
Perkins of Lamar.	Thomas
Perry.	of Limestone.
Pollard.	Thomason.
Pope.	Thompson
Quaid.	of Harris.
Quicksall.	Thompson
Quinn.	of Red River.
Rice.	Thorn.
Rogers of Shelby.	Thrasher.
Rosser.	Veatch.
Rountree.	Wadley.
Rowland.	Walker.
Satterwhite.	Wallace.
Seagler.	Webb.
Sims.	Wessels.
Smith.	West.
Sneed.	Westbrook.
Stephens.	Williams
Stevenson.	of McLennan.
	Wright.

Absent.

Barrett of Fannin.	Laney.
Black, O. B.,	Leslie.
of Bexar.	McFarlane.
Brown.	Pool.
Childers.	Shearer.
Darroch.	Williams
Harrington.	of Montgomery.
Kveton.	

Absent—Excused.

Barrett of Bell.	Rogers of Harris.
Menking.	Schweppe.
Miller of Dallas.	Sweet of Tarrant.

A quorum was announced present.
Prayer was then offered by Rev. J.
C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted
leaves of absence on account of im-
portant business:

Mr. Barrett of Bell for today, on
motion of Mr. Owen.

Mr. W. A. Black of Bexar for last
Saturday, on motion of Mr. Hall.

Mr. Sweet of Tarrant for today and
indefinitely, on motion of Mr. Curtis.

Mr. Rogers of Harris for last Satur-
day and today, on motion of Mr.
Malone.

Mr. O. B. Black of Bexar for last
Saturday, on motion of Mr. Jones.

Mr. Miller of Dallas for today, on
motion of Mr. John Davis of Dallas.

Mr. Menking for today, on motion of
Mr. Beasley of McCulloch.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Wessels:

H. B. No. 516, A bill to be entitled "An Act providing for the acquisition, by purchase or condemnation, of additional land in Fayette county, Texas, on or near Monument Bluff, south of the town of La Grange, whereon stands the vault in which are entombed the bones of Dawson's men and the Mier prisoners, and providing for the improvement of the mausoleum, or tomb, heretofore erected to said Dawson's men and the Mier prisoners, said additional site together with the site now owned by the State, to be converted into a public park and preserved and beautified in memory and honor of said Dawson's men and Mier prisoners; making an appropriation for said purpose, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Branch:

H. B. No. 517, A bill to be entitled "An Act creating the La Feria Independent School District in Cameron county, Texas, and defining its boundaries; providing for the election and qualification of a board of trustees therefor; providing for the selection of a secretary, treasurer, assessor and collector of taxes and all other necessary officers and committees and prescribing their qualifications; investing said district with all the rights, powers and privileges and duties of a town or village incorporated under the general laws of the State of Texas for free school purposes only, and declaring an emergency."

Referred to Committee on Education.

By Mr. Branch:

H. B. No. 518, A bill to be entitled "An Act creating the Santa Rosa Independent School District in Cameron county, Texas, and defining its boundaries; providing for the election and qualification of a board of trustees therefor; providing for the selection of a secretary, treasurer, assessor and collector of taxes and all other necessary officers and committees, and prescribing their qualifications; investing said district with all the rights, powers, privileges and duties of a town or village incorporated under the general laws of

the State for free school purposes only, and declaring an emergency."

Referred to Committee on Education.

By Mr. Mott and Mr. Thompson of Harris:

H. B. No. 519, A bill to be entitled "An Act amending Section 25 of Chapter 60 of the General Laws of the Regular Session of the Legislature, as amended and enacted by Chapter 12 of the General Laws of the First Called Session of the Thirty-fifth Legislature so as to authorize the county commissioners courts to appoint a person, or persons, to administer hog cholera virus without the necessity of obtaining the permission of the Live Stock Sanitary Commission, and declaring an emergency."

Referred to Committee on Live Stock and Stock Raising.

By Mr. Morris of Medina:

H. B. No. 520, A bill to be entitled "An Act to provide for accepting property of the 'Texas Old Slave Home,' valued at \$3500.00, without cost to the State, and for the establishment and maintenance of a home for the old ex-slaves of Texas who are known in history as the 'Confederate Home Guards of Dixie'; and to authorize the appointment of a board of managers for the said home; to make an appropriation for its support and maintenance, and to declare an emergency."

Referred to Committee on State Eleemosynary and Reformatory Institutions.

By Mr. Patman:

H. B. No. 521, A bill to be entitled "An Act creating the Bloomburg Independent School District in Cass county, Texas; defining its boundaries, including the present Bloomburg Independent School District; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges, and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms, and declaring an emergency."

Referred to Committee on Education.

By Mr. Patman:

H. B. No. 522, A bill to be entitled "An Act to fix the time of holding the courts in the Fifth Judicial District of

Texas; to validate all processes, bonds and recognizances heretofore taken in the courts of said district, and all judgments therein rendered or to be rendered; repealing all laws in conflict therewith, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Branch:

H. B. No. 523. A bill to be entitled "An Act amending Chapter 22 of the General Laws of the Thirty-second Legislature at its Regular Session in so far as same applies to Cameron county, Texas, and conferring certain powers upon the commissioners court of Cameron county, and authorizing said court under such regulations as they may prescribe to appropriate and use any sum or sums of money not exceeding \$5,000 per year for farmers' co-operative demonstration work in said county along the same lines that this work is or may be conducted by the United States Department of Agriculture, and prescribing that they may conduct such work jointly in said county with the agents and representatives of the United States Department of Agriculture upon such terms and conditions as may be agreed upon between the agents of the Department of Agriculture and said commissioners court, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Bryant:

H. B. No. 524. A bill to be entitled "An Act creating the Buffalo Flat Common School District Number 20 in Hall county, Texas, describing its metes and bounds, providing for the assumption of its part of the bonded indebtedness of Turkey Independent District, placing the district under the general laws, providing for a board of three trustees, and declaring an emergency."

Referred to Committee on Education.

By Mr. Pollard:

H. B. No. 525. A bill to be entitled "An Act making appropriation for the purchase by the Adjutant General of Texas of fire proof filing cabinets for the storing and preserving of the war records of the soldiers, sailors, marines and nurses of Texas who served in the world war, and declaring an emergency."

Referred to Committee on Appropriations.

HOUSE JOINT RESOLUTION ON FIRST READING.

The following House joint resolution was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Hardin:

H. J. R. No. 26. Proposing an amendment to Section 5 of Article 7 of the Constitution of Texas by adding to said section a new section to be numbered 5a, providing that there shall be collected from every person, corporation or association, foreign or domestic, which owns, controls, manages or leases any oil well, gas well or mine within this State, to pay to the State of Texas as taxes, in lieu of all other taxes for State purposes now authorized to be levied, an amount equal to three per cent of the total amount of oil, gas, mineral or mining products produced in this State by said person, company, corporation or association, under the regulation of the Legislature; prohibiting the collection of any other taxes for State purposes from such oil gas, mineral or mining products; providing that the taxes herein provided shall be paid into the State Treasury to be appropriated by the Legislature for the support of the public free schools, the University of Texas, and an Agricultural College to be located in West Texas; providing for the submission of said amendment to the vote of the people, and making an appropriation therefor.

Referred to Committee on Constitutional Amendments.

MOTION TO PRINT HOUSE BILL NO. 467.

Mr. Thomas of Limestone moved that House bill No. 467 with majority adverse and minority favorable report be printed.

On motion of Mr. Owen, the motion to print was tabled.

BILL RE-REFERRED.

On motion of Mr. Hill, House bill No. 508 was withdrawn from the Committee on Revenue and Taxation and referred to the Committee on Roads, Bridges and Ferries.

INVITING PRAIRIE VIEW QUARTET TO SING.

Mr. Adams offered the following resolution:

Resolved, That the double quartet of the Prairie View State Normal (colored) be and the same are hereby invited to sing in the Hall of the House of Representatives on Friday night, February 25, 1921, at 7:30 p. m., and that the Senate is invited to be with the House on that occasion.

The resolution was read second time and was adopted.

HOUSE BILL NO. 179 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 179, A bill to be entitled "An Act prescribing the duties, powers and authority of the Live Stock Sanitary Commission of Texas and providing a chairman therefor; providing for the eradication and control among the cattle, horses, mules, asses, sheep, goats, hogs and other live stock of this State of the infectious and contagious diseases of live stock known as splenic tick fever, bovine tuberculosis, anthrax, glanders, contagious abortion, hemorrhagic septicaemia, cattle and sheep scabies, hog cholera, Malta fever, foot and mouth disease, rabies and other similar and dissimilar contagious and infectious diseases; providing for the said Commission to establish and release necessary quarantines on such mentioned live stock, premises, pens, pastures, ranches, yards, counties, parts of counties, and other places; providing for said Commission to issue directions for dipping cattle, horses, mules, asses, and sheep for eradicating the fever carrying tick and sheep and cattle scabies; providing for said Commission to adopt necessary rules and regulations; providing for the division of the State of Texas into the free area, tick eradication area and general quarantined area, and the eradication of the fever carrying tick (*Margaropus Annulatus*) in the tick eradication area and free area; providing for the eradication of the said fever tick in Tick Eradication Zone No. 3 or Southern Zone, and designating dates for the beginning of tick eradication in the counties therein; providing for the appraisal, condemnation and indemnification on account of horses and mules affected with glanders or anthrax; providing for cleaning and disinfecting of railway cars and of pens, yards and other places; providing for permitting persons owning, controlling or caring

for any cattle, horses, mules, asses or sheep which are required to be dipped to file affidavit protesting against such dipping and asking for personal hearing before chairman of said Commission; providing penalties against persons failing to dip cattle, horses, mules, asses and sheep when directed in writing by said Commission to dip same under provisions of this act; providing penalties against persons, firms, corporations, railway companies, and other common carriers for violating quarantines established by said Commission or its chairman; and providing penalties against railway companies and other common carriers for failing to clean and disinfect cars, pens, and other places and for moving stock cars without cleaning and disinfecting, and for unloading tick infected or exposed cattle, horses, mules and asses into non-infectious pens in the tick eradication area and free area, or unloading tick free cattle, horses, mules or asses into infectious pens in the tick eradication area or general quarantined area; prescribing other duties of railway companies and other common carriers in reference to the subject of this act, and providing penalties for violations thereof; providing other penalties for violating provisions of this act; prescribing duties of persons owning, controlling and caring for live stock in the State of Texas with reference to said live stock and said contagious and infectious diseases; providing for said Commission to employ necessary help, including inspectors, veterinarians, clerical help, law enforcement assistants and other necessary help for carrying out the provisions of this act; providing for commissioners courts to furnish money to pay the salaries of inspectors, build dipping vats and purchase dipping material for conducting tick eradication and the eradication of contagious and infectious diseases therein; providing other sanitary measures for eradicating and controlling said diseases in the State of Texas and restricting the movement of live stock into and within the State of Texas unless properly certified to; validating tick eradication elections heretofore held; prescribing the powers, duties and authority of the chairman of the Live Stock Sanitary Commission, and providing penalties for violating quarantines established by said Commission or its chairman, and for failure to comply with written dipping directions from said Commission and chairman;

providing penalties for permitting live stock affected with contagious or infectious diseases to leave premises; providing penalties for selling, giving away, trading or loaning cattle which the tuberculin test indicated to be affected with tuberculosis; providing for branding tubercular cattle TB; providing penalty for removing tuberculin tested cattle from premises where tested without permit from the Live Stock Sanitary Commission; permitting owners and caretakers of live stock to file affidavits and have hearings before chairman of the Live Stock Sanitary Commission on matters pertaining to the dipping, treating or branding of such live stock and the disinfecting of premises and pens; repealing all of Chapter 60, Acts of the Regular Session of the Thirty-fifth Legislature, except Section 8 thereof; repealing all of Chapter 12 of the Acts of the First Called Session of the Thirty-fifth Legislature, all of Chapter 44 of the Acts of the Regular Session of the Thirty-sixth Legislature, all of Chapter 38 of the Acts of the Third Called Session of the Thirty-sixth Legislature, and all of Chapter 10 of the Acts of the Fourth Called Session of the Thirty-sixth Legislature; and all other laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Mr. Quinn offered the following amendment to the bill:

Amend House bill No. 179, Section 21, page 11, line 24, by substituting a semicolon for a period after the word "dollars," and adding the following:

"Provided, however, that work stock, milch cows, and cows that will become mothers within thirty days from the date of such dipping, and calves under one month of age, shall not be dipped unless it can be shown and proven by said Sanitary Livestock Inspector that said animal or animals are actually infected with said fever carrying tick."

The amendment was lost.

Mr. Martin moved to reconsider the vote by which the amendment was lost.

Mr. Owen moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—53.

Baldwin.	Binkley.
Beasley	Black, W. A.,
of McCulloch.	of Bexar.
Beavens.	Bonham.

Bryant.
Burmeister.
Chitwood.
Cox.
Cummins.
Davis, John,
of Dallas.
Duffey.
Fly.
Hall.
Hanna.
Hardin.
Harrison.
Hendricks.
Hill,
Johnson of Ellis.
Johnson
of Wichita.
Jones.
Kacir.
Kellis.
King.
Lackey.
McCord.
McDaniel.
Malone.

Aiken.
Baker.
Barker.
Beasley
of Hopkins.
Brady.
Branch.
Burns.
Carpenter.
Coffee.
Crawford.
Crumpton.
Curtis.
Davis, John E.,
of Dallas.
Dinkle.
Edwards.
Estes.
Fugler.
Garrett.
Greer.
Grissom.
Henderson
of McLennan.
Henderson
of Marion.
Horton.
Laird.
Lawrence.
Lindsey.
Looney.
McKean.
McLeod.

Marshall.
Mathes.
Morris of Medina.
Neblett.
Owen.
Quaid.
Quicksall.
Rosser.
Satterwhite.
Sims.
Sneed.
Stephens.
Stevenson.
Stewart of Reeves.
Swann.
Sweet of Brown.
Teer.
Thomason.
Thompson
of Harris.
Thrasher.
West.
Westbrook.
Williams
of McLennan.

Nays—77.

Martin.
Melson.
Merriman.
Moore.
Morris
of Montague.
Mott.
Patman.
Perkins
of Cherokee.
Perkins of Lamar.
Perry.
Pollard.
Quinn.
Rice.
Rogers of Shelby.
Rountree.
Rowland.
Seagler.
Smith.
Stewart
of Edwards.
Thomas
of Limestone.
Thompson
of Red River.
Thorn.
Veatch.
Wadley.
Walker.
Wallace.
Webb.
Wessels.

Present—Not Voting.

Morgan.

Absent.

Adams.

Barrett of Fannin.

Bass.	Laney.
Black, O. B.,	Lauderdale.
of Bexar.	Miller of Parker.
Brown.	Pool.
Burkett.	Pope.
Faubion.	Wright.
Johnson	
of Gillespie.	

Absent—Excused.

Barrett of Bell.	Menking.
Childers.	Miller of Dallas.
Darroch.	Rogers of Harris.
Duncan.	Shearer.
Harrington.	Sweet of Tarrant.
Kveton.	Schweppe.
Leslie.	Williams
McFarlane.	of Montgomery.

Question recurring on the motion to reconsider, yeas and nays were demanded.

The motion to reconsider was lost by the following vote:

Yeas—52.

Aiken.	McKean.
Baker.	McLeod.
Barker.	Martin.
Beasley	Melson.
of Hopkins.	Merriman.
Brady.	Miller of Parker.
Branch.	Moore.
Burns.	Morris
Carpenter.	of Montague.
Coffee.	Mott.
Crumpton.	Patman.
Curtis.	Perkins
Davis, John E.,	of Cherokee.
of Dallas.	Perkins of Lamar.
Dinkle.	Perry.
Duncan.	Pollard.
Edwards.	Quinn.
Estes.	Rice.
Fugler.	Rogers of Shelby.
Garrett.	Seagler.
Greer.	Stewart
Grissom.	of Edwards.
Henderson	Thompson
of McLennan.	of Red River.
Henderson	Thorn.
of Marion.	Veatch.
Horton.	Walker.
Laird.	Wallace.
Lawrence.	Webb.
Lindsey.	Wessels.

Nays—61.

Baldwin.	Bryant.
Beasley	Burkett.
of McCulloch.	Burmeister.
Beavens.	Chitwood.
Binkley.	Cox.
Black, W. A.,	Cummins.
of Bexar.	Davis, John,
Bonham.	of Dallas.

Duffey.	Owen.
Faubion.	Quaid.
Fly.	Quicksall.
Hall.	Rosser.
Hanna.	Rowland.
Hardin.	Satterwhite.
Harrison.	Sims.
Hendricks.	Smith.
Hill.	Sneed.
Johnson	Stephens.
of Gillespie.	Stevenson.
Johnson of Ellis.	Stewart of Reeves.
Johnson	Swann.
of Wichita.	Sweet of Brown.
Jones.	Teer.
Kacir.	Thomas
Kellis.	of Limestone.
Lackey.	Thomason.
Looney.	Thompson
McCord.	of Harris.
McDaniel.	Thrasher.
Malone.	Wadley.
Marshall.	West.
Mathes.	Westbrook.
Morgan.	Williams
Morris of Medina.	of McLennan.
Neblett.	

Absent.

Adams.	Laney.
Barrett of Fannin.	Lauderdale.
Bass.	McFarlane.
Black, O. B.,	Pool.
of Bexar.	Pope.
Brown.	Rountree.
Crawford.	Wright.
King.	

Absent—Excused.

Barrett of Bell.	Miller of Dallas.
Childers.	Rogers of Harris.
Darroch.	Shearer.
Harrington.	Sweet of Tarrant.
Kveton.	Schweppe.
Leslie.	Williams
Menking.	of Montgomery.

Mr. Burmeister offered the following (committee) amendments to the bill:

(1)

Amend Section 30 of the bill, by striking out all of said section and inserting the following:

Section 30. Provided, that on the second day of January, A. D. 1922, the Live Stock Sanitary Commission shall determine how many counties in tick eradication zone No. 3, or southern zone, if any, commencing on north boundary line of said zone No. 3, the said Commission will be able to begin active tick eradication in during the year 1922, and the chairman of said Commission shall certify to the Governor of the State of Texas, the names of such counties. Upon receipt of such certified list, the Gov-

ernor shall issue his proclamation, which proclamation shall contain a quarantine established by the Live Stock Sanitary Commission in and around said counties, together with rules and regulations adopted by said Commission governing the eradication of a fever carrying tick in said counties. The said proclamation, quarantine and rules and regulations shall become effective on the first day of April, A. D. 1922, and shall remain in effect thereafter until revoked, modified or changed by order of the said Commission proclaimed by the Governor. Provided, that not later than January 1, 1923, the chairman of said Commission shall make and certify to the Governor of the State of Texas a list of the names of the counties in said tick eradication zone No. 3 or southern zone that have not previously been quarantined for the purpose of tick eradication therein under this act, or that have not been previously annexed to the free area; and upon receipt of said list, the Governor shall issue his proclamation, which shall contain a quarantine established by the said Commission in and around said counties certified to in said list, together with the rules and regulations adopted by the Live Stock Sanitary Commission for eradicating the fever carrying tick in said counties; which said quarantine and rules and regulations shall become effective the first day of April, A. D. 1923, and shall remain in effect thereafter until revoked or modified by order of said Commission proclaimed by the Governor.

(2)

Amend Section 48 to House bill No. 179 by striking same out and inserting the following:

Section 48. Stocker or range cattle and cattle, sheep and hogs for immediate slaughter purposes shall be admitted into the State of Texas without certification, treatment, testing or vaccination; provided, that cattle, hogs and sheep shall not be considered as shipped into the State of Texas for immediate slaughter unless the shipment is made in accordance with rules and regulations adopted by the Live Stock Sanitary Commission permitting such movements. Provided further, that no cattle shipped into the State of Texas shall be considered stocker or range for any purpose under this act unless a written statement from the owner, caretaker or shipper of said cattle accompanies said cattle, stating that they are stocker or range cattle and that they are not

being shipped into the State of Texas to be used for dairy, milk, or show purposes.

(3)

Amend Section 69 of House bill No. 179 by striking same out and inserting the following:

Section 69. Whenever any railway company or other common carrier or corporation violates any provision of this act, it shall be the duty of the county attorney of any county in which said violation occurs to file a civil suit in the name of the State of Texas in a court of proper civil jurisdiction in said county against said railway company or other common carrier or corporation, in any amount not to exceed the maximum penalty and not less than the minimum penalty which could be assessed against said defendant for the particular violation in question under the penal clause violated by said defendant. If the court or jury finds that the State of Texas is entitled to recover against said defendant, the said court or jury returning the said verdict may assess a penalty in any amount not to exceed the amount sued for in the plaintiff's petition and not less than the minimum amount authorized under said penal clause for the particular violation on account of which suit is brought. Judgments in said suits shall be entered, executions issued and appeals prosecuted as in all other civil suits.

(4)

Amend Section 13 of House bill No. 179 by striking out said section and inserting the following:

Section 13. Any person who shall refuse to permit any inspector or any veterinarian or any member of the Live Stock Sanitary Commission to enter upon any premise or into any pen or pasture for the purpose of inspecting or investigating as provided for in Section 12 of this Act, to ascertain the presence on said premise, or in said pen or in said pasture of any of the diseases or carriers of diseases enumerated in this act or the presence of the fever carrying tick (*Margaropus annulatus*) thereon or therein, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum of not less than twenty-five dollars and not more than one hundred dollars; and each separate day on which any person shall make said refusal shall constitute a separate offense. Provided that it shall constitute no offense under this act to

refuse to permit an inspector, veterinarian, or other employe or member of said Commission to enter premises, pens, pastures or other places to ascertain the presence of the fever tick thereon or therein, unless said premises, pens, pastures or other places are located in the tick eradication area or in the free area.

(5)

Amend Section 12 of House bill No. 179 by striking out said section and inserting the following:

Section 12. The Live Stock Sanitary Commission is hereby authorized and empowered to employ all necessary help and assistance, including inspectors, chief inspectors, clerks, chief clerks, bookkeepers, stenographers, law enforcement assistants and other employes that the said Commission may deem necessary in the performance and discharge of its duties. And said Commission shall appoint a State Veterinarian, Assistant State Veterinarian and other veterinarians. All members of the Live Stock Sanitary Commission, its inspectors, veterinarians and other persons authorized by said Commission are hereby empowered to enter upon any premise, into any pen, pasture or place for the purpose of making an investigation or inspection to determine the presence of any of the diseases enumerated in this act, or the carrier or agency of transmission of any of said diseases or the presence of the fever carrying tick (*Margaropus annulatus*) in said pen, pasture or place; and also to enter upon such premise, or into such pen, pasture or place for the purpose of eradicating and controlling any of said diseases or eradicating the fever carrying tick therein or thereon. Provided, that nothing in this act shall be construed as permitting members of the Live Stock Sanitary Commission, its inspectors, veterinarians or other person employed by said Commission to enter premises, pens, pastures or other places for the purpose of inspecting or investigating to determine the presence of the said fever tick or exposure to said tick, or for the purpose of eradicating or controlling fever tick infestation or exposure, unless the said premise, pen, pasture or other place is located in the tick eradication area or in the free area.

Mr. Quinn offered the following amendment to (committee) amendment No. 5:

Amend House bill No. 179 (committee amendment), page 43, Section 12, line

33, by adding after the word "duties," "with the consent of the Board of Control."

The amendment to the (committee) amendment was lost.

(Committee) amendments Nos. 1, 2, 3, 4 and 5 were then severally adopted.

Mr. Burmeister offered the following (committee) amendment to the bill:

Amend House bill No. 179 by adding thereto an additional section to be known as Section 85a, as follows:

Section 85a. Any person who shall vaccinate or inoculate or inject any live stock with anthrax spore vaccine, without simultaneously injecting into each head of said live stock ten or more cubic centimeters of anti-anthrax serum and one cubic centimeter of anthrax spore vaccine shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum of not less than twenty-five dollars per head and not more than two hundred dollars per head for each head of live stock vaccinated or inoculated or injected with said anthrax spore vaccine. Any person, firm or corporation who shall sell, trade, give away, deliver or transfer any anthrax spore vaccine to any person, without also delivering to said person at the time of said sale at least ten cubic centimeters of anti-anthrax serum to each cubic centimeter of said anthrax spore vaccine sold, traded, given away, delivered or transferred to said person, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum of not less than one hundred dollars and not more than two hundred dollars.

Question—Shall the (committee) amendment be adopted?

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 21, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate directs return of Senate bill No. 70 and refuses to rescind vote by which bill passed the Senate, and has passed

H. B. No. 327. A bill to be entitled "An Act to amend Section 3 of Chapter 91 of the General Laws of the State of Texas, passed by the Thirty-fifth Legislature at its Regular Session, to fix the time for holding the terms of the district court in the various counties composing the Eighty-first Judicial District of Texas; to repeal all laws and parts

of laws in conflict with this act," with amendments.

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 45. "An Act repealing Article 7380, Title 126, Chapter 2, Revised Civil Statutes, 1911, providing for the payment of an occupation tax by individuals, companies, corporations and associations in this State selling pistols, and declaring an emergency."

S. B. No. 234. "An Act to amend Chapter 145, General Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Regular Session, which chapter was 'An Act to amend Chapter 1 of Title 44 of the Revised Civil Statutes of the State of Texas, 1911, and to provide the manner in which State funds shall be kept and deposited; to define the State Depository Board and its powers, and what banks may become State depositories, and the manner and means of selecting and for the qualification of such State depositories; providing for the distribution of such State funds among such depositories; repealing all laws in conflict, and declaring an emergency'; the effect of this amendment being to add to said chapter a new article immediately following Article 2435, which new article is to be known as Article 2435a, and to provide in substance that during the existence of any general financial or industrial depression at the end of any biennial depository period, after new depositories have been selected by the State Depository Board, if it should be found by the State Depository Board that any of the then existing old depositories have not been or will not be selected as depositories for the next two-year period under the bids submitted, and that the withdrawal of the entire amount of State funds in any particular depository on March first will create a demand on such old depository which it will not be able to meet, though otherwise solvent, then the State Depository Board shall have the discretion and authority to extend the time of payment of such funds into the State Treasury from time to time; provided, however, that such extension shall not be made unless and until such old depository

executes a new contract and bond or gives security, as in the first instance, for such period of time as the State Depository Board may designate and at such rate of interest as the State Depository Board may find to be not less than the approximate average rate of interest which the State would receive under the bids submitted for the current biennial depository period into which such extension of time is made, and declaring an emergency."

RECESS.

On motion of Mr. Owen, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by Speaker Thomas.

HOUSE BILL NO. 179 ON ENGROSSMENT.

The House resumed consideration of pending special order, same being House bill No. 179, relating to eradication of fever-carrying cattle tick, on its passage to engrossment, with (committee) amendment No. 6, by Mr. Burmeister, pending.

Question recurring on the (committee) amendment, it was adopted.

Mr. Burmeister offered the following (committee) amendment to the bill:

Amend H. B. No. 179 by adding thereto an additional section to be known as Section 85b, as follows:

Sec. 85b. It shall be the duty of any person who has in his possession any anthrax spore vaccine to either use said vaccine in the treatment, vaccination or inoculation of live stock or destroy the same, together with the bottle or container within twenty-four hours after said bottle or container has been opened, punctured or perforated. Any person who shall fail to use all the anthrax spore vaccine within said twenty-four hours or destroy the said vaccine, or any remaining portion thereof that has not been used in said treatment, vaccination or inoculation, within said twenty-four hours, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum of not less than twenty-five dollars and not more than two hundred dollars for each container full or bottle full or fraction thereof that said person fails to

use or destroy as prescribed herein. Any person who shall fail to destroy any bottle or container that has contained anthrax spore vaccine within twenty-four hours after said bottle or container has been opened, punctured or perforated, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum of not less than twenty-five dollars and not more than two hundred dollars for each of said bottles or containers that said person fails to destroy as herein prescribed. Said containers, bottles and vaccine shall be destroyed by burning said containers or bottles, together with the vaccine contained therein until the bottles or containers are melted. Said vaccine shall not be considered as destroyed unless it is burned with the bottle or container until said bottle or container is melted.

The (committee) amendment was adopted.

Mr. Burmeister offered the following amendments to the bill:

(1)

Amend House bill No. 179 by striking out the word "and" in Section 33, on page 18, line 15, between the words "in — county," and insert "any."

(2)

Amend House bill No. 179, Section 41, on page 21, line 23, by striking out the words "fifty (\$50)" and insert in lieu thereof the words "twenty-five (\$25)."

(3)

Amend House bill No. 179, Section 41, page 21, lines 28 and 29, by striking out the words "five hundred dollars (\$500)" and insert in lieu thereof "two hundred and fifty dollars (\$250)."

(4)

Amend House bill No. 179, Section 67, page 33, line 22, by striking out the word "any" before quarantine and insert "any."

(5)

Amend House bill No. 179 by inserting in Section 70, on page 35, line 15, the word "or" after the word "mule."

(6)

Amend Section 19 of House bill No. 179 by striking out said section and inserting the following:

Sec. 19. The Live Stock Sanitary Commission shall prescribe in its rules and regulations the kind, character and

strength of dipping solution to be used in dipping cattle, horses, mules, asses and sheep under the provisions of this act. Said rules and regulations shall provide the manner and method of testing the strength of said dipping solutions. Said rules and regulations shall provide the manner and method of testing dipping solution for determining how many pounds of arsenic said solution contains. In dipping live stock under any provision of this act, the Live Stock Sanitary Commission may prescribe the use of what is commonly known as proprietary or ready prepared dipping solutions or it may prescribe formulas for mixing and preparing dipping solutions. Either or both methods may be prescribed. Whenever the strength of dipping solution is tested in accordance with the provisions of said rules and regulations, the strength as shown by said test shall be considered the strength of said dipping solution for all purposes of this act.

(7)

Amend Section 85, House bill No. 179, by striking out said section and inserting the following:

Sec. 85. Any person, railway company or other common carrier or corporation who shall haul, ship, transport, drive, drift, lead or otherwise move from any county in the tick eradication area into any other county in the tick eradication area any cattle, horses, mules or asses unless the said cattle, horses, mules or asses are accompanied by a certificate or permit from an authorized inspector of the Live Stock Sanitary Commission authorizing said movement and certifying said cattle, horses, mules or asses to be free of ticks, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum of not less than five (\$5.00) dollars per head and not more than twenty-five (\$25.00) dollars per head for each head of said cattle, horses, mules or asses which the said persons, railway company, common carrier or corporation hauls, ships, transports, drives, drifts or otherwise moves in violation hereof. Whenever any cattle, horses, mules or asses are moved from any county in the tick eradication area into the general quarantined area in violation hereof, the venue for the trial and prosecution of such cases shall be in the last or border county in the tick eradication area from which or through which said live stock were moved en route to the general quarantined area.

Whenever live stock are illegally moved from one county to another county in tick eradication area in violation hereof, the venue for the trial and prosecution of such cases shall be either in the county from which they were moved or into which they were moved; provided that the county in which complaint is first filed shall retain the venue for the trial of said cases in exclusion of the other county. Provided that those provisions in this act making it a separate offense for each county into which live stock are illegally moved after having violated any quarantine provision shall not apply to the movement of live stock from the tick eradication area into the general quarantined area or from the general quarantined area into the tick eradication area; and provided that illegal movements of live stock from one county to another county in the tick eradication area shall constitute separate offenses only in accordance with the provisions of this section. Provided that whenever live stock are moved from the general quarantined area into tick eradication area in violation of any provisions of this act, the venue for the trial of said cases shall be the first county in the tick eradication area into which said live stock are moved. The word "moved" as applied to live stock in this act shall be construed to mean driving, drifting, shipping, hauling, leading or transporting.

(8)

Amend Section 34 of House bill No. 179 by striking out said section and inserting the following:

Sec. 34. Any person, railway company or other common carrier or corporation who shall drive, drift, lead, haul, ship or otherwise move any cattle, horses, mules, asses, sheep, goats or hogs from any pen, pasture, yard or other enclosure which is quarantined by the Live Stock Sanitary Commission or its chairman under any of the provisions of this act, in violation of said quarantine shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum of not less than five dollars (\$5.00) per head and not more than twenty-five (\$25.00) dollars per head for each head of said live stock which said person, railway company or other common carrier or corporation drives, drifts, leads, hauls, ships or otherwise moves in violation of said quarantine. Whenever live stock are moved from quarantined pens, pastures, yards or other enclosures and

from a quarantined county or quarantined part of county in which said pens, pastures, yards or other enclosures are located, the filing of complaints for moving said live stock from said quarantined pen, pasture, yard or enclosure shall not preclude the filing of complaints for moving said live stock from said quarantined county or part of county. Whenever a pen, pasture, yard or other enclosure is quarantined by the Live Stock Sanitary Commission or its chairman and notice thereof given to the owner or caretaker by delivering to him written or printed quarantine notice as provided for in this act, it shall be unlawful for any person, or others, to move any of said live stock therefrom without complying with the provisions of said quarantine notice; and the penal provision of this section shall apply to any person, railway company, common carrier or corporation moving live stock therefrom, irrespective of whether he or they are the owner or caretaker of said pen, pasture, yard or other enclosure. Filing of complaints for illegal movements from counties and parts of counties shall not preclude the filing of complaints for illegal movements from quarantined pens, pastures and other enclosures in said counties.

(9)

Amend Section 35 of House bill No. 179 by striking out said section and inserting the following:

Sec. 35. Any person, railway company or other common carrier or corporation who shall ship, drive, drift, lead, haul, transport or otherwise move any cattle, horses, mules, asses, sheep, goats or hogs from any county or part of county in violation of any quarantine established by the Live Stock Sanitary Commission or its chairman under any provision of this act on account of the existence in said county or part of county of any contagious or infectious disease or carrier thereof enumerated in this act, except the splenic tick fever or the fever-carrying tick (*Margaropus annulatus*) shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum of not less than twenty-five (\$25.00) dollars per head and not more than two hundred (\$200) dollars per head for each head of cattle, horses, mules, asses, sheep, goats or hogs which the said person, railway company, other common carrier or corporation ships, drives, drifts, leads, hauls, transports or otherwise moves in violation of said quaran-

tine. The term "part of county" as expressed in this act shall be construed to mean any portion of a county designated in said quarantine notice by any intelligible, definite boundary line, but a local quarantine on a premise, pen or pasture shall not be construed as a quarantine on a part of county under this act. Whenever any cattle, horses, mules, asses, sheep, goats or hogs are moved, shipped, driven, drifted, led, hauled or transported from a quarantined county or part of county in violation of this section, every county into which any of said live stock are moved, shipped, driven, drifted, hauled or transported without said quarantine requirements being complied with shall constitute a separate offense. Any provision of this act making it a separate offense for every county into which live stock are moved after having been moved from a quarantined county or part of county shall apply to any person, railway company, common carrier or corporation who shall ship, drive, drift, haul, lead, transport or otherwise move any of said live stock into any other county without said quarantine requirements have been complied with, irrespective of whether said person, railway company, common carrier or corporation is the same one that moved said live stock from said county in which the said quarantine was established.

• (10)

Amend House bill No. 179, Section 8, page 5, by inserting after the period following the word "thereon," on line 36: "Provided that when the Live Stock Sanitary Commission establishes quarantine in any county, part of county or premises against anthrax, glanders, sometimes called farcy, Malta fever, foot and mouth disease, rabies or hydrophobia, tuberculosis, actinomycosis or lumpy jaw, and trichinosis in any of the animals aforementioned in this act, the State Health Officer shall be immediately notified of the establishment of said quarantine, in order that he may take such steps as he may deem necessary for the protection of persons within the quarantined area."

(11)

Amend the caption of House bill No. 179 by inserting before the words "and declaring an emergency," at the end of caption, the following: "providing for the venue of all violations of this act and providing for notice by the Live Stock Sanitary Commission to the State

Health Officer in case of quarantine against certain diseases mentioned in this act."

The amendments were severally adopted.

Mr. Crumpton moved to postpone further consideration of the bill indefinitely.

Mr. Perkins of Lamar moved the previous question on the pending motion and engrossment of the bill, and the main question was ordered.

Mr. Fly moved to reconsider the vote by which the previous question was ordered, and the motion to reconsider was lost.

Question first recurring on the motion to postpone further consideration of the bill indefinitely, yeas and nays were demanded.

The motion to postpone indefinitely was lost by the following vote:

Yeas—51.

Aiken.	McLeod.
Barker.	Martin.
Beasley	Melson.
of Hopkins.	Merriman.
Branch.	Miller of Parker.
Burns.	Moore.
Carpenter.	Morris
Coffee.	of Montague.
Crawford.	Mott.
Crumpton.	Patman.
Cummins.	Perkins of Lamar.
Davis, John E.,	Perry.
of Dallas.	Pollard.
Dinkle.	Quinn.
Duffey.	Rogers of Shelby.
Edwards.	Seagler.
Fugler.	Sneed.
Grissom.	Thomas
Hanna.	of Limestone.
Henderson	Thompson
of McLennan.	of Harris.
Henderson	Thompson
of Marion.	of Red River.
Kacir.	Thorn.
Laird.	Wadley.
Lawrence.	Walker.
Lindsey.	Wallace.
Looney.	Wessels.
McDaniel.	Wright.
McKean.	

Nays—67.

Adams.	Brady.
Baker.	Bryant.
Baldwin.	Burkett.
Beasley	Burmeister.
of McCulloch.	Chitwood.
Beavens.	Cox.
Binkley.	Davis, John,
Black, W. A.,	of Dallas.
of Bexar.	Estes.
Bonham.	Faubion.

Fly.	Pool.
Greer.	Pope.
Hall.	Quaid.
Hardin.	Quicksall.
Harrison.	Rice.
Hendricks.	Rosser.
Hill.	Rountree.
Horton.	Rowland.
Johnson	Satterwhite.
of Gillespie.	Shearer.
Johnson of Ellis.	Sims.
Johnson	Smith.
of Wichita.	Stephens.
Jones.	Stewart
Kellis.	of Edwards.
King.	Stewart of Reeves.
Lackey.	Swann.
Lauderdale.	Sweet of Brown.
McCord.	Teer.
Malone.	Thomason.
Marshall.	Thrasher.
Mathes.	Veatch.
Morgan.	Webb.
Morris of Medina.	West.
Neblett.	Westbrook.
Owen.	Williams
Perkins	of McLennan.
of Cherokee.	

Absent.

Bass.	Garrett.
Brown.	Laney.

Absent—Excused.

Barrett of Bell.	Leslie.
Black, O. B.,	McFarlane.
of Bexar.	Menking.
Childers.	Miller of Dallas.
Curtis.	Rogers of Harris.
Darroch.	Schwepe.
Duncan.	Sweet of Tarrant.
Harrington.	Williams
Kveton.	of Montgomery.

Paired.

Mr. Stevenson (present), who would vote "nay," with Mr. Barrett of Fannin (absent), who would vote "yea."

Question next recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 179 was passed to engrossment by the following vote:

Yeas—67.

Adams.	Brady.
Baker.	Bryant.
Baldwin.	Burkett.
Beasley	Burmeister.
of McCulloch.	Chitwood.
Beavens.	Cox.
Binkley.	Curtis.
Black, W. A.,	Davis, John,
of Bexar.	of Dallas.
Bonham.	Estes.

Faubion.	Pool.
Fly.	Pope.
Hall.	Quaid.
Hardin.	Quicksall.
Harrison.	Rosser.
Hendricks.	Rountree.
Hill.	Rowland.
Horton.	Satterwhite.
Johnson	Sims.
of Gillespie.	Sneed.
Johnson	Stephens.
of Wichita.	Stewart
Jones.	of Edwards.
Kacir.	Stewart of Reeves.
Kellis.	Swann.
King.	Sweet of Brown.
Lackey.	Teer.
Lauderdale.	Thomason.
McCord.	Thompson
McKean.	of Harris.
Malone.	Thrasher.
Marshall.	Webb.
Mathes.	West.
Morgan.	Westbrook.
Morris of Medina.	Williams
Neblett.	of McLennan.
Owen.	Wright.
Perkins	
of Cherokee.	

Nays—50.

Aiken.	McLeod.
Barker.	Martin.
Beasley	Melson.
of Hopkins.	Merriman.
Branch.	Miller of Parker.
Burns.	Moore.
Carpenter.	Morris
Coffee.	of Montague.
Crawford.	Mott.
Crumpton.	Patman.
Cummins.	Perkins of Lamar.
Davis, John E.,	Perry.
of Dallas.	Pollard.
Dinkle.	Quinn.
Duffey.	Rice.
Edwards.	Rogers of Shelby.
Fugler.	Seagler.
Greer.	Smith.
Grissom.	Thomas
Hanna.	of Limestone.
Henderson	Thompson
of McLennan.	of Red River.
Henderson	Thorn.
of Marion.	Veatch.
Laird.	Wadley.
Lawrence.	Walker.
Lindsey.	Wallace.
Looney.	Wessels.
McDaniel.	

Absent.

Bass.	Laney.
Brown.	Leslie.
Garrett.	McFarlane.
Johnson of Ellis.	

Absent—Excused.

Barrett of Bell.	Menking.
Black, O. B.,	Miller of Dallas.
of Bexar.	Rogers of Harris.
Childers.	Schweppe.
Darroch.	Shearer.
Duncan.	Sweet of Tarrant.
Harrington.	Williams
Kveton.	of Montgomery.

Paired.

Mr. Stevenson (present), who would vote "yea," with Mr. Barrett of Fannin (absent), who would vote "nay."

Mr. Burmeister moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—65.

Baker.	Malone.
Baldwin.	Marshall.
Beasley	Mathes.
of McCulloch.	Melson.
Beavens.	Morgan.
Binkley.	Morris of Medina.
Black, W. A.,	Neblett.
of Bexar.	Owen.
Bonham.	Perkins
Brady.	of Cherokee.
Bryant.	Pool.
Burkett.	Pope.
Burmeister.	Quaid.
Chitwood.	Quicksall.
Cox.	Rosser.
Cummins.	Rountree.
Davis, John,	Rowland.
of Dallas.	Satterwhite.
Estes.	Sims.
Faubion.	Smith.
Fly.	Sneed.
Hall.	Stephens.
Hardin.	Stevenson.
Harrison.	Stewart of Reeves.
Hendricks.	Swann.
Hill.	Sweet of Brown.
Horton.	Teer.
Johnson	Thomason.
of Wichita.	Thompson
Jones.	of Harris.
Kellis.	Thrasher.
King.	Webb.
Lackey.	West.
Lauderdale.	Westbrook.
McCord.	Williams
McKean.	of McLennan.

Nays—41.

Aiken.	Beasley
Barker.	of Hopkins.

Branch.	Martin.
Burns.	Merriman.
Carpenter.	Miller of Parker.
Coffee.	Moore.
Crumpton.	Morris
Davis, John E.,	of Montague.
of Dallas.	Patman.
Duffey.	Perkins of Lamar.
Edwards.	Perry.
Fugler.	Pollard.
Greer.	Rogers of Shelby.
Grissom.	Seagler.
Hanna.	Thomas
Henderson	of Limestone.
of McLennan.	Thompson
Kacir.	of Red River.
Laird.	Thorn.
Lawrence.	Wadley.
Lindsey.	Walker.
Looney.	Wessels.
McDaniel.	Wright.
McLeod.	

Present—Not Voting.

Curtis.	Veatch.
Rice.	

Absent.

Adams.	Johnson
Barrett of Fannin.	of Gillespie.
Bass.	Johnson of Ellis.
Brown.	Laney.
Crawford.	Mott.
Dinkle.	Quinn.
Garrett.	Stewart
Henderson	of Edwards.
of Marion.	Wallace.

Absent—Excused.

Barrett of Bell.	McFarlane.
Black, O. B.,	Menking.
of Bexar.	Miller of Dallas.
Childers.	Rogers of Harris.
Darroch.	Schweppe.
Duncan.	Shearer.
Harrington.	Sweet of Tarrant.
Kveton.	Williams
Leslie.	of Montgomery.

SPECIAL ORDER SET.

On motion of Mr. Thomason, House bill No. 302 was set as a special order for 11 o'clock a. m. Tuesday, February 22.

HOUSE BILL NO. 135. ON SECOND READING.

On motion of Mr. Bonham, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 135, A bill to be entitled "An Act amending Article 282 of the Revised Civil Statutes of Texas of 1911, and requiring a garnishee, though

a non-resident of the county in which the suit is pending, to file his answer in the county where the suit, out of which the garnishment proceedings arose, is pending; repealing Articles 283, 284, 285, 286, 287, 288, 289, 290, 291 and 292, of the Revised Civil Statutes of Texas of 1911 and all laws in conflict herewith; amending Article 293 of said Revised Civil Statutes of Texas of 1911 fixing the conditions under which judgment may be enforced against a garnishee; amending Article 302 of the Revised Civil Statutes of Texas of 1911, fixing the jurisdiction of garnishment proceedings in cases where the garnishee is a foreign corporation, or is a non-resident of the county where the main suit out of which the garnishment proceedings arose is pending; providing for notice before applying the provisions of this act to garnishment proceedings pending when this act takes effect, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Bonham offered the following amendments to the bill:

(1)

Amend House bill No. 135, Section 1, line 27, by inserting next after the word "cases" in said line the following: "After lawful service."

(2)

Amend House bill No. 135, Section 1, line 30, by striking out the word "provided" in said line and inserting in lieu thereof the word "required."

(3)

Amend House bill No. 135, Section 1, line 32, by inserting next after the word "default," in said line, the following: "As in other civil cases."

(4)

Amend House bill No. 135 by changing the period at the end of line 35, Section 1, to a comma and adding the following: "Provided that the answer of such garnishee may be filed as in any other civil case at any time before such default judgment is rendered."

(5)

Amend House bill No. 135, page 3, line 2, by inserting next after the word "hereunder," in said line, the following: "In any such pending case."

(6)

Amend House bill No. 135, page 3, lines 15 and 16, by changing the word "they" at the end of line 15 to "it" and changing the word "are," at the beginning of line 16, to "is."

(7)

Amend House bill No. 135, page 1, line 32, by striking out the word "a" in said line.

(8)

Amend the caption to House bill No. 135 by striking out lines 6 to 10 down to and including the word "pending," in line 10, and insert in lieu thereof the following:

"An act amending Article 282, of the Revised Civil Statutes of 1911, and requiring a garnishee to file his answer in garnishment in all cases and authorizing a default judgment in case of failure to file such answer as required."

The amendments were severally adopted.

House bill No. 135 was then passed to engrossment.

HOUSE BILL NO. 354 ON SECOND READING.

On motion of Mr. Sims, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 354, A bill to be entitled "An Act to make effective the provisions of Section 59 of Article 16 of the Constitution of the State of Texas with respect to conservation of the natural resources of the State, the same having been adopted as a constitutional amendment by a vote of the people in 1917; and amending Sections 1, 2 and 3 of Chapter 88, General Laws, Thirty-fifth Legislature, so as more specifically to define the public waters of the State of Texas, and provide for their appropriation, diversion and use, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Stewart of Reeves offered the following (committee) amendment to the bill:

Amend House bill No. 354 by inserting at the end of Section 3 the following: "Provided that nothing in this Act shall prejudice vested private rights."

The (committee) amendment was adopted.

Mr. Burkett offered the following amendment to the bill:

Amend House bill No. 354 by inserting at the end of Section 2, line 40, page 1, the following:

"Provided that when an application is made for appropriation of such water for, mining purposes, the owner of the land through which the water flows and which is to be appropriated shall have the prior right to appropriate same, and shall be permitted to exercise such right although such owner may not have made application prior to such application by another, and such owner shall have only ten days after notice of application to appropriate such water in which to exercise his prior right to appropriate, which he shall do by written application filed with the Board of Water Engineers within such time."

The amendment was adopted.

House bill No. 354 was then passed to engrossment.

HOUSE BILL NO. 242 ON SECOND READING.

On motion of Mr. Faubion, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 242, A bill to be entitled "An Act authorizing the erection of a monument to the memory of the soldiers, sailors, marines and nurses from Texas who lost their lives during the war between the United States and the Imperial German Government; providing for the appointment of a committee; making an appropriation therefor, permitting private donations, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Faubion offered the following (committee) amendment to the bill:

Amend House bill No. 242 by inserting after the word "committee," at the end of Section 5, the following: "Provided that the money herein appropriated shall not be available prior to January 1, 1922."

The (committee) amendment was adopted.

Mr. Quinn moved the previous question on the engrossment of the bill, and the motion was not seconded.

Mr. Baldwin offered the following amendment to the bill:

Amend House bill No. 242, page 1, Section 5, by substituting for said section the following:

Section 5. The sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State

of Texas not otherwise appropriated for the purposes of this act, the same to be paid by the State Treasurer upon warrants issued by the Comptroller upon vouchers approved by the committee, and accompanied by the itemized verified account of the person to whom such money may be owing.

The amendment was adopted.

Mr. Burkett offered the following amendment to the bill:

Amend House bill No. 242, line 36, page 1, by striking out "thirty thousand (\$30,000)," and insert "fifty thousand (\$50,000)."

Signed—Burkett, Cox.

On motion of Mr. West, the amendment was tabled.

Mr. Westbrook moved the previous question on the engrossment of the bill, and the main question was ordered.

House bill No. 242 was then passed to engrossment.

HOUSE BILL NO. 327 WITH SENATE AMENDMENTS.

Mr. Burmeister called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 327, A bill to be entitled "An Act to amend Section 3 of Chapter 91 of the General Laws of the State of Texas, passed by the Thirty-fifth Legislature at its Regular Session, to fix the time for holding the terms of the district court in the various counties composing the Eighty-first Judicial District of Texas; to repeal all laws and parts of laws in conflict with this act."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Burmeister, the House concurred in the Senate amendments.

HOUSE BILL NO 278 ON SECOND READING.

On motion of Mr. Rountree, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 278, A bill to be entitled "An Act to fix and establish a legal rate for the publication of all proclamations, advertising, or notices of all kinds required by law to be published in newspapers in this State for the State, counties or municipalities, or in any legal proceeding, providing for the filing by newspapers with the Board of Control, at Austin, Texas, of a sworn

statement of their regular rate for advertising to be open to public inspection, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Seagler offered the following amendment to the bill:

Amend House bill No. 278, Section 1, by striking out the words "two cents," in line 19, and insert in lieu thereof the words "one cent."

Question—Shall the amendment be adopted?

RECESS.

Mr. Curtis moved that the House recess until 9:30 o'clock a. m. tomorrow.

Mr. Merriman moved that the House recess to 7:30 o'clock p. m. today.

Mr. Wessels moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Henderson of McLennan moved that the House recess until 10 o'clock a. m. tomorrow.

The motion of Mr. Henderson of McLennan prevailed, and the House, accordingly, at 5:50 o'clock p. m., took recess until 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following standing committees filed favorable reports today on bills as follows:

Revenue and Taxation: House bill No. 414.

Roads, Bridges and Ferries: House bill No. 514.

Constitutional Amendments: House Joint Resolutions Nos. 21, 20, 24.

Privileges, Suffrage and Elections: House bills Nos. 498, 427.

Municipal and Private Corporations: House bill No. 512.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Committee Room,

Austin, Texas, February 21, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1, "An Act to amend Article 1173, Chapter 4, Title 15, and Article 1142, Chapter 3, Title 15, of the Code of Criminal Procedure of the State

of Texas, relating to the fees allowed sheriffs or other peace officers performing the same service in misdemeanor cases to be taxable against the defendant on conviction, and the allowance to sheriffs by the commissioners court of the several counties in this State for the safekeeping, support and maintenance of prisoners in jail, or under guard, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

FAUBION, Chairman.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, February 21, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 336, A bill to be entitled "An Act to amend Chapter 72 of the Local and Special Laws of the Third Called Session of the Thirty-sixth Legislature, creating the Dalhart Consolidated Independent School District in Dallam and Hartley counties, and declaring an emergency."

H. B. No. 93, A bill to be entitled "An Act creating the LaGrange Independent School District in Fayette county, Texas; defining its boundaries; providing for a board of trustees in said district; providing that the present board of trustees shall continue in office until the expiration of their terms and their successors shall have been elected and qualified as provided by general law; conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the board of trustees thereof; declaring that all taxes or bonds heretofore voted upon the territory hereby incorporated as the LaGrange Independent School District shall remain in full force and effect; providing for the repeal of Chapter 2 of the Local and Special Laws passed by the Third Called Session of the Thirty-sixth Legislature, and declaring an emergency."

H. B. No. 409, A bill to be entitled "An Act to create a more efficient road system for Angelina county, making county commissioners ex-officio road commissioners, requiring additional

bonds, providing for the improvement and building of roads and bridges by contract; providing that funds be used in precinct where collected; providing hours for labor; providing for the working of county convicts on the roads; prescribing the duties of road overseers; providing for the payment of a specified sum of money in lieu of road work; providing a penalty for overseers who fail or refuse to perform their duties under this law; providing a penalty for road hands who fail or refuse summons to do good road work; providing for reports by road overseers; providing for the condemnation of land for road purposes; providing for compensation of county commissioners when acting as road commissioners; providing for the issuance of bonds for road and bridge purposes and for levying taxes after an election favoring same; providing for the levying and collecting of a special road and bridge tax; providing for the work of a road by either road service or taxation, or both; providing that the road overseer may collect from the road hands and requiring that the money be used on roads where collected, and providing a penalty for failure of such overseer to comply with the provisions of this act; providing that the provisions of this act shall be cumulative of all general laws on the subject of roads and bridges; repealing all laws and parts of laws in conflict with this act."

H. B. No. 301, A bill to be entitled "An Act creating and incorporating Hale Center Independent School District in Hale county, Texas; defining its boundaries; vesting the title to all school property within its boundaries in said Hale Center Independent School District and its board of trustees; fixing liability for all debts and contracts of such school; vesting the control of the public schools within said district in a board of seven trustees; continuing in office the board of trustees of the present Hale Center Independent School District until the expiration of their terms of office; abolishing all other boards of trustees; conferring upon said district and its board of trustees all rights, powers, privileges and duties as are conferred by the general laws upon independent school districts created for school purposes only under the general law; providing that local maintenance taxes and bonds voted by the qualified voters of Hale Center Independent School District and other districts included within the district hereby created, are hereby continued in full

force and effect; providing for an assessor and collector of taxes and board of equalization; providing that said independent school district shall be liable for its pro rata part of any outstanding bonded indebtedness upon a part of any territory taken from any other school district; providing for transportation of school children; providing this act to be cumulative of general law now in force or hereafter to be enacted governing independent school districts, and declaring an emergency."

H. B. No. 344, A bill to be entitled "An Act to create a more efficient road system for Bee county, Texas; making the county commissioners of said county ex-officio road commissioners and prescribing their duties as such; providing for their compensation as such road commissioners, and defining their powers and duties; providing for the condemnation of land for public road purposes, and providing that said county court can take materials adjacent to or accessible to public roads for the construction thereof, and providing for payment thereof; providing that the commissioners court shall expend money upon the roads, bridges and improvements therein in the different commissioners precincts outside of the corporate limits of any city or town in proportion to the amounts of money paid into the county from such different precincts; providing for the employment of one or more competent surveyors or engineers to supervise road work; fixing their salary, and providing for payment thereof; providing for a consulting engineer and his salary; providing that said court may adopt such system for working, laying out, draining and repairing of the public roads of the county as it may deem best; further providing for the purchase of teams, tools and machinery for working said roads, and for contracting for construction of roads and bridges; providing a method of securing bids for such contracts; further providing that said Bee county, or any political subdivision thereof, may purchase any road building material or machinery; declaring certain roads and highways to be public roads; classifying all public roads; requiring the classification of the roads to be recorded in the minutes of the commissioners court; providing for the protection of trees along public roads, and for signboards; providing that the court shall have the authority to pay necessary traveling expenses of the county judge or any of the members of the court, when sent by the court out of

the county on official business; providing for exemptions from road duty to certain persons; providing that certain persons shall be liable to road duty, and providing a method of enforcing work on the road, and providing a penalty for failure to perform the labor required hereunder; further providing that the commissioners court may require all able-bodied male convicts not otherwise employed to labor on the public roads at such time and under such regulations as may be deemed proper, and for commutation as a reward for faithful service and good behavior, in no case to exceed one-fourth of the time required to satisfy his fine and cost, and one dollar per day for each day he labors; further providing that if a convict satisfies his fine in full the commissioners court shall pay a certain portion thereof to the officers and witnesses entitled to receive it out of the road and bridge fund upon the order of the court, and if a convict dies or escapes, the amount worked out shall be prorated on the fine, and to the officers and witnesses; and further providing that this act shall be taken notice of by the courts of this State, but shall be construed to be cumulative of the general laws of the State on the subject of roads and bridges when not in conflict therewith but in case of such conflict this act shall control as to Bee county; defining what the term 'roads' shall include, defining the term 'work,' repealing all other special road laws heretofore passed for the benefit of Bee county, and declaring an emergency."

H. B. No. 424, A bill to be entitled "An Act creating the Woodville Independent School District in Tyler county, Texas; defining its boundaries; providing for a board of trustees in said independent school district; conferring upon said district and its board of trustees the rights, powers, privileges and duties now conferred and imposed by the general laws of the State upon independent school districts and the board of trustees thereof; providing for the election of trustees, for the raising of revenues, issuing of bonds, building and maintaining schoolhouses, maintaining public free schools, declaring valid the local maintenance tax heretofore voted and now in effect in the territory included in the school district hereby created, repealing all laws in so far as they conflict herewith, and declaring an emergency."

H. B. No. 432, A bill to be entitled "An Act to amend Section 8 of Chapter 139 of the General Laws of the State of

Texas passed by Regular Session, and amended by the Thirty-sixth Legislature at its Second Called Session, Chapter 5, page 24, of the General Laws of the Second Called Session of the Thirty-sixth Legislature; changing the time of holding court in the various counties of the Forty-second Judicial District of Texas; abolishing the criminal jurisdiction of said district court in Stephens county and conferring said criminal jurisdiction upon the district court of the Ninetieth Judicial District of Texas; abolishing the office of assistant district attorney for Stephens county in the district courts of the Forty-second Judicial District and creating the office of district attorney in the district court of said Ninetieth Judicial District of Texas, and providing that the district attorney of said district court for said Ninetieth Judicial District shall draw the same salary as now being drawn by said assistant district attorney; validating all process, writs and bonds issued or executed prior to the taking effect of this act; repealing all laws and parts of laws in conflict herewith, and creating an emergency."

H. B. No. 435, A bill to be entitled "An Act to amend Article 7305 of the Revised Civil Statutes of the State of Texas, 1911, as the same was amended by Chapter 10 of the Acts of the Second Called Session of the Thirty-sixth Legislature, relating to the inspection of hides and animals by striking therefrom the word 'Webb,' so as to include Webb among the counties subject to the provisions of Chapter 7, Title 125, of the Revised Civil Statutes of 1911, relating to regulations for the protection of stock raisers in certain localities, and declaring an emergency."

H. B. No. 463, A bill to be entitled "An Act amending Chapter 39, Local and Special Laws passed at the Third Called Session of the Thirty-sixth Legislature, approved June 17, 1920, creating the Lorenzo Independent School District in Crosby and Lubbock counties, by adding thereto after Section 15 thereof a new Section 15a, providing that said Lorenzo Independent School District shall assume any and all outstanding indebtedness and bonds and interest thereon existing at the time of the incorporation of said district, created by Lorenzo County Line Common School District No. 2; making all such indebtedness binding and valid obligation of the Lorenzo Independent School District; validating all acts of the board of trustees of the Lorenzo Independent School District in making payments

either of principal or interest on any such indebtedness, and declaring an emergency."

H. B. No. 464, A bill to be entitled "An Act creating and incorporating Cone Independent School District in Crosby county, Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing said board to levy, assess and collect taxes for maintenance and building purposes and to issue bonds; providing for an assessor and collector of taxes and board of equalization; providing for the Cone Independent School District shall assume and discharge all valid outstanding bonds, obligations and indebtedness of Cone Common School District No. 5 in Crosby county; validating and continuing in force all taxes heretofore voted and now in force in said Common School District No. 5; providing that title to all property now vested in Cone Common School District No. 5 shall on the passage of this act vest in Cone Independent School District as herein created; providing for filling vacancies in the board of trustees; providing for a seal for said district; providing that the board of trustees of said district shall in all things be governed by the general laws of Texas relating to independent school districts in matters where this act is silent; repealing all laws in conflict herewith; providing invalidation by the courts of any provision of this act shall not invalidate any remaining portion or provision, and declaring an emergency."

H. B. No. 466, A bill to be entitled "An Act to establish and redefine Rugby Common School District No. 40 of Red River county, Texas; to validate election heretofore held in said district for local taxes for the further maintenance of public free schools in said district; to validate election heretofore held in said district for the issuance of school-house bonds in said district; to authorize the Attorney General of Texas to be governed by the metes and bounds as defined in this act in passing on the bond record made by virtue of said election for the issuance of said school-house bonds; providing that said Rugby Common School District No. 40 in Red River county, Texas, shall be under the general laws of Texas with respect to common school districts when not in conflict with this act, and declaring an emergency."

H. B. No. 471, A bill to be entitled "An Act creating the Highland Independent School District, in Cameron county, Texas, and defining its boundaries; providing for the election of a board of trustees therefor; providing for the secretary, treasurer, assessor and collector of taxes and all other necessary officers and committees, and prescribing their qualifications; investing said district with all the rights, powers, privileges and duties of a town or village incorporated under the general laws of the State for free school purposes only; prescribing the maximum rates of taxation within a specified limit of time, and declaring an emergency."

And find the same correctly engrossed.
SNEED, Chairman.

· TWENTY-NINTH DAY.

(Continued.)

(Tuesday, February 22, 1921.)

The House met at 10 o'clock a. m., and was called to order by Speaker Thomas.

EMPLOYES OF THE HOUSE.

The Speaker announced the appointment of the following:

Stenographer for Appropriation Committee: Earl Howell in place of S. R. Harrington, resigned. Effective February 16th.

Assistant Engrossing Clerk: Mrs. Esther Lee. Effective February 21st.

GRANTING JUDGES E. A. HILL AND GEO. L. DAVENPORT LEAVE OF ABSENCE FROM STATE.

Mr. Burkett offered the following resolution:

H. C. R. No. 31, Permitting the judges of the Eighty-eighth and Ninety-first Judicial Districts to leave the State during the years 1921 and 1922.

Be it resolved by the House of Representatives, the Senate concurring, That the Hon. E. A. Hill, judge of the Eighty-eighth Judicial District of Texas, and the Hon. George L. Davenport, judge of the Ninety-first Judicial District of Texas, be permitted and granted authority to leave the State of Texas at any time they see fit for the purpose of vacation or otherwise, during the years of 1921 and 1922.

The resolution was read second time, and was adopted.